



CITY OF SANTA BARBARA

ORDINANCE COMMITTEE REPORT

AGENDA DATE: March 21, 2006
TO: Ordinance Committee
FROM: Water Resources, Public Works Department
SUBJECT: Private Sewer Lateral Inspection

RECOMMENDATION: That the Ordinance Committee:

- A. Receive a staff report on outcomes of meetings with key stakeholders; and
- B. Provide direction to staff on next steps.

DISCUSSION:

On January 31, 2006, the Ordinance Committee had an initial workshop to discuss sewer lateral inspections and receive community input on implementing a program for inspecting laterals. At that meeting, the Ordinance Committee directed staff to meet with a Working Group comprised of representatives from the Realtors' Association, Heal the Ocean, Channel Keeper and the Water Commission.

On February 10, 2006, and March 8, 2006, staff met with the Working Group. The group had productive meetings, with ample discussion of the pros and cons of various alternatives, and reached consensus on proposals for when an inspection should be required, as follows:

Support When:

- Expanding dwelling >400 square feet
- Adding two or more new plumbing fixtures added
- Chronic problems are identified
- There is a spill from the property
- A smoke test is failed
- Problems are found during a City inspection
- Every ten years during for commercial properties and condominiums
- Upon "for cause" direction of the Public Works Director

Oppose In Connection With:

- Minor building permits
- Minor plumbing permits
- Minor remodeling
- Reports from plumbers
- When City main is replaced
- On sale of property

REVIEWED BY: _____ Finance _____ Attorney

Agenda Item No. _____

The Working Group also expressed support for an educational program; a funded incentive program; and a real estate disclosure statement in connection with a new sewer lateral inspection program. The work group also expressed preference for a program requiring inspection of all laterals once every ten years (i.e. grid system), and opposed a program that required inspection in selected areas of the City (e.g. along creeks).

Discussions by the Working Group centered around three significant issues: 1) substitution of a disclosure statement for a requirement to inspect laterals at time of sale; 2) requiring a systematic program of inspections that would address all properties in the City within a given time period; and 3) providing funding to assist property owners with lateral inspection and maintenance costs. These are discussed below:

Sale of Property – As an alternative to requiring a mandatory inspection at the time of sale, the Board of Realtors has committed to working with City staff to develop a disclosure statement that will be provided to parties at the time of sale. Although the disclosure statement will not mandate an inspection of the lateral, it will provide new property owners with the information that the lateral is private property and the responsibility of the property owner to maintain in good repair, as well as information (or lack thereof) about the condition of the lateral.

Grid System – Members of the Working Group supported the establishment of a systematic approach to sewer lateral inspection. The suggested approach of the Working Group is a City program that requires all City laterals to be inspected every ten years. To accomplish this, the City would be divided into ten sections. Each year, the property owners in one section would be directed to inspect their laterals. The program would be designed to first address areas of the City where the greatest amount of rainwater gets into the sewer lines.

While the grid system is a systematic approach, it does have serious shortcomings:

- Unlike the majority of the alternative proposals to require inspection when there is a reasonable expectation that there is an existing problem with a specific lateral, or at a time when significant other work is being done at the property, a grid system would employ a broadcast approach.
- Besides being administratively complex and costly, staff anticipates significant resistance from City property owners to such an approach.

If, on the other hand, required inspections were to be limited to properties identified for specific reasons, the inspection program would target laterals with a high probability of defects that already adversely affect the City's sewer system. The City's regular programs of inspecting mainlines using closed caption television (CCTV) and smoke

testing could be boosted to a greater level in an attempt to increase the identification of laterals which show signs of needing repair.

Program Funding - The Working Group felt strongly that efforts to address lateral condition should not divert resources from existing wastewater programs. The group advocated increasing sewer rates and earmarking the increase for a lateral maintenance program. This would fund the staff efforts necessary to implement the program, as well as providing a source of funding to assist property owners in conducting required repairs and possibly also reimbursing property owners for inspections.

Lateral Inspection in Other Communities

At the last meeting, the Ordinance Committee expressed interest in the research that the Realtors' Association had conducted on the approach taken to lateral inspection and maintenance in other communities. The Realtors' Association representatives provided a summary of their research to staff. A summary of this information and staff's research is attached.

Next Steps

As discussed above, the Working Group was able to reach consensus or compromise on almost all of the preferred approaches for implementing a lateral inspection program. Staff remains concerned that a grid system of inspection would provoke strong public resistance. Therefore, with direction from the Ordinance Committee, staff is prepared to draft an ordinance to require inspection as follows:

- Prior to issuance of a permit for expansion of space by 400 or more square feet;
- Prior to issuance of a permit for addition of two or more new plumbing fixtures;
- Chronic problems - when the lateral has been blocked more than once in a twelve month period;
- When there is a spill from the lateral;
- When a defect is identified during smoke testing;
- When, during inspection of City main lines, roots, excess clear water or other problems are identified as coming from the lateral;
- Once every ten years for all commercial properties, condominiums and other properties with three or more dwellings sharing private sewer lines; and
- Upon direction of the Public Works Director, when there is reasonable cause to believe there may be a problem with, or illegal connections to, the sewer lateral.

Should the Ordinance Committee wish to pursue the grid system alternative, staff recommends that the grid system be presented for public input before proceeding. The public outreach conducted to date did not include the grid system as a proposed alternative.

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ATTACHMENT: Summary of other sewer lateral inspection programs, prepared
by Realtors' Association

PREPARED BY: Rebecca Bjork, Wastewater System Manager/RB/dm

SUBMITTED BY: Anthony J. Nisich, Public Works Director

Attachment

Summary Of Other Programs

| Agency | Sale of Property | Remodel (expansion) | Added Plumbing | Problem identified by City | Voluntary (rebate) | Voluntary (Insurance Program) | Other | Program Description |
|---------------------------------|------------------|---------------------|----------------|----------------------------|--------------------|-------------------------------|-------|---|
| Alameda, CA | ✓ | | | | | | | |
| Albany, CA | ✓ | ✓ | | | | | | |
| Berkeley, CA | ✓ | ✓ | | | | | | Proposed program |
| Burlingame, CA | ✓ | | ✓ | | | | ✓ | Other - is as directed |
| Castro Valley, CA | | | | | ✓ | | | Voluntary – Rebate program. 50% of the costs to \$2.00 |
| Ferndale, CA (Humboldt County) | ✓ | | | | | | ✓ | Other - When City working on main to which lateral is connected |
| Laguna Beach, CA | | | ✓ | ✓ | | | ✓ | Other - Time schedule for condos, apartments and duplexes |
| Montecito Sanitary District, CA | | | | | | | ✓ | Other - on direction of GM |
| North Lake Tahoe, CA | ✓ | ✓ | ✓ | | | | ✓ | Other -Includes provisions for change of tennant, replacement of part of lateral. |
| Pacific Grove, CA | ✓ | ✓ | | | | | ✓ | Other - Spill from private property |
| San Luis Obispo, CA | | | | | ✓ | | | Voluntary – Rebate program - No longer funded |
| South Lake Tahoe, CA | ✓ | ✓ | ✓ | | | | | |
| Stege San. Dist., CA | ✓ | | | | | | | |
| Truckee San. Dist. CA | ✓ | ✓ | ✓ | ✓ | | | ✓ | Other - Includes provisions for change of tennant, replacement of part of lateral, and upon direction of General Manager. |

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|-----------------------------|------------------|---------------------|----------------|----------------------------|--------------------|-------------------------------|-------|--|
| Albany, OR | | | | | | | ✓ | City contractor replaces lateral at city cost |
| Salem, OR | | | | | | | ✓ | Other - when City replacing sewer main to which lateral is connected |
| Clarkson, Missouri | | | | | | ✓ | | Rebate program funded with \$28 assessment |
| Crestwood, Missouri | | | | | | ✓ | | Rebate program funded with \$28 annual assessment |
| Creve Cour, Missouri | | | | | | ✓ | | Rebate program funded with \$28 annual assessment |
| Ferguson, Missouri | | | | | | ✓ | | Rebate program funded with \$28 annual assessment |
| Glendale, Missouri | | | | | | ✓ | | Rebate program funded with \$50 annual assessment |
| Kirkwood, Missouri | | | | | | ✓ | | Rebate program funded with \$28 annual assessment |
| St. Charles, Missouri | | | | | | ✓ | | Rebate program funded with \$28 annual assessment |
| University City, Missouri | | | | | | ✓ | | Funding not specified. |
| Mishawaka, Indiana (47,000) | | | | | | ✓ | ✓ | Funded with 50¢ /month surcharge on bill. Property owner responsible for first \$250 of fees. Also replace laterals when doing main line replacement |